

REMARKS/ARGUMENTS

Claim 1 is amended to indicate the set of release plan solutions is generated for evaluation together (see for example paragraph 32 of the application as filed). An amended is also made to claim 1 for clarity.

**Claims 1-2, 8-10, 13-16, 18 and 21 - 28 have been rejected under 35 USC 103(a) as being unpatentable over Robin in view of Hartman.** Applicant respectfully traverses this rejection.

Claim 1 provides a method of release planning, the method comprising:

assigning stakeholder priorities to a set of requirements, where the priorities are assigned by plural stakeholders;

explicitly defining a set of constraints on the requirements; and  
generating a set of release plan solutions using algorithms carried out by a computer for evaluation together, each release plan solution of the set of release plan solutions satisfying the constraints, balancing between stakeholder priorities of different stakeholders, and having a positive impact, measured by objective criteria, on at least one of project time, overall cost and quality.

The examiner cited Robin as disclosing the first two method steps. The applicant disagrees.

First, it is observed that Robin is irrelevant, since the date of filing of Robin, September 30, 2004 is after the filing date of the instant application. While Robin claims priority from an earlier provisional having a filing date before the filing date of the instant application, the applicant does not concede that the provisional supports the non-provisional.

Second, although the examiner admits that Robin does not teach generating a set of release plan solutions carried out by a computer, nothing in Robin teaches any of the method steps of claim 1. For example, Robin does not explicitly define a set of constraints on the requirements.

While Robin refers repeatedly to constraints, there is no place in Robin where there is an actual teaching of “defining a set of constraints on the requirements”. Nothing in Robin says what to do with the constraints referred to. The constraints are observed to be a general part of the overall problem, but are never explicitly defined and are not defined on the requirements.

The examiner turns to Hartman for a teaching generating a set of release plan solutions using algorithms carried out by a computer. The applicant submits:

1) Hartman does not deal with release plan solutions. Hartman applies algorithms to the classical resource-constrained project scheduling problem (RCPS), and produces a schedule for an individual to follow. Hence, linking the step of generating a set of release plan solutions using algorithms carried out by a computer to the release plan problem is a link only made by the applicant. In effect, by proposing to use algorithms as taught by Hartman to the problem faced by Robin the examiner is effectively using the applicant’s invention against him.

2) Moreover, Hartman produces a single schedule, and does not teach generating anything let alone a set of release plan solutions ... for evaluation together. In fact, in neither Robin nor Hartman is there a consideration of generating multiple solutions for evaluation together. The combination of references therefore fails to yield the invention.

Accordingly, applicant submits that claim 1 is patentable over Robin in view of Hartman.

All claims are therefore submitted to be patentable over the cited references.

Claim 2 adds to claim 1 that the generating is carried out repeatedly after changing one or more of the constraints, requirements, objective criteria, or stakeholder priorities.

In Robin, any generating that takes place (and it’s not the kind of generating the applicant carries out) is done to a single plan, not a set of solutions.

The remaining claims all depend on claim 1 and are therefore allowable.

Reconsideration and withdrawal of the rejections, and allowance of the claims, is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink that reads "Tony Lambert". The signature is written in a cursive style and is contained within a rectangular box.

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